



Southeast Idaho UPDATE

Spring 2006



U.S. Environmental Protection Agency, Region 10

EPA's Newsletter for the Pocatello and Fort Hall Areas

This newsletter contains information about U.S. Environmental Protection Agency (EPA) activities in Southeast Idaho and about how you can get involved.

Portneuf River and Spring Runoff



Spring brought welcome relief from the drought in Idaho, even if it came all at once. With the increased rain and snow came associated sediment and runoff into the Portneuf River from many disturbed soil areas within the Portneuf watershed. These storm events demonstrate that it is critically important that erosion and sediment control practices are well maintained, especially at construction sites, in order to prevent sediment runoff into the river.

The Portneuf River is a degraded stream under the Clean Water Act for sediment, bacteria, nutrients and oil and grease. Stormwater control practices are important to restore the water quality of the Portneuf River back to beneficial uses.

Check out This Link!

The monitoring network for the Portneuf River is unique, in that local partnerships are working together to monitor the river throughout the basin. To view a map of the watershed, and real time raw data, click on <http://www.portnefriver.org>.

EPA Proposes a Municipal Stormwater Discharge Permit

Come to an Open House at 5:30, Public Meeting at 6:30 on May 31st at the Pocatello City Council Chambers, 911 North 7th Avenue.

The U.S. Environmental Protection Agency (EPA) has extended the deadline for public comments on a proposed permit for storm water discharges from the municipal separate storm sewer system (MS4) outfalls owned by the City of Pocatello, City of Chubbuck, Bannock County and Idaho Transportation Department. **Comments on the proposed permit will be accepted through June 9, 2006.**

The Cities, County and ITD submitted a permit application in 2003, outlining a Storm Water Management Program to control pollutants in urban runoff to the maximum extent practicable. EPA proposes this Clean Water Act permit to control pollution in storm water discharges to the Portneuf River from the MS4 stormwater outfalls owned by these parties.

You can review the proposed permit and other materials on the EPA website:

www.epa.gov/region10/stormwater.htm or at the Idaho Department of Environmental Quality 444 Hospital Way #300, Pocatello, 83201.

Send written comments on the proposed permit to U.S. EPA, 1200 6th Avenue, OWW-130 Seattle, WA 98101-1128.

For more information, contact **Misha Vakoc**, EPA, at **(800) 424-4372, ext. 6650** or vakoc.misha@epa.gov. TTY users, please call 800-877-8339.

Eastern Michaud Flats Superfund Site Update

Major Activities at the Eastern Michaud Flats Site Completed in 2005 and Planned for 2006

- EPA is reviewing the Supplemental Remedial Investigation Work Plan for FMC activities this summer. Once this plan is approved, FMC will begin field work to collect new site characterization data.
- Quarterly groundwater sampling at FMC and Simplot is continuing.
- EPA is reviewing certification of closures (documents that summarize the capping work) for ponds 17 and 18 which FMC provided to EPA in January 2006.
- The landscape at FMC has changed drastically. FMC reports that major structures will be removed by the end of July, 2006.
- Simplot installed additional wells in late 2005 to intercept the arsenic groundwater plume. EPA is reviewing a draft Phase II Data Gap Investigation Plan. Once this plan is approved, Simplot will begin field work to complete additional groundwater characterization.
- FMC and Simplot submitted a proposal in March 2006 to reassess the ecological risk identified in the 1998 Record of Decision (ROD) for the Off Plant Unit. EPA is reviewing this proposal.

Background - One Area: Many Laws, Many Players

Both the former FMC elemental phosphorus manufacturing plant and Simplot Don phosphate fertilizer plant facilities fall within the Eastern Michaud Flats (EMF) Superfund Site (the Site). Additional areas, designated formally as the Off Plant Unit, are included as part of the Site.

What makes the Site a Superfund site?

The Site was evaluated in the early 1990's for contamination and risk to human health and the environment. The Site was rated through a process called hazard ranking. Based upon this evaluation, the Site scored high enough to be placed on the National Priority List (NPL) or Superfund List. This list contains some of the most highly contaminated sites in the nation. Many industrial facilities that operated prior to environmental regulations have been placed on the NPL.

What's happened since Eastern Michaud Flats was placed on the National Priorities List? The companies (FMC and Simplot) entered into a legal agreement with the EPA called an Administrative Order on Consent (AOC) in 1991 to evaluate the Site through a process known as a Remedial Investigation/Feasibility Study (RI/FS). In 1998, a Record of Decision (ROD) was issued by EPA which selected cleanup actions or remedies for the Site. After the ROD was issued the Site was divided into three separate cleanup areas called operable units: the

former FMC facility, the Simplot Don Plant facility and the Off Plant Unit.

When the ROD was issued, EPA's assumption was that the facilities would continue operating as production facilities into the foreseeable future. Because these facilities were operating businesses, some of the contamination was governed by other laws for operating facilities such as the Resource Conservation and Recovery Act or RCRA, a federal hazardous waste facility law, and the Clean Air and Clean Water Acts. The Superfund law can address most contamination but it does not cover environmental matters which are being addressed by these other federal environmental laws.

Also in 1998, EPA entered into a legal settlement called a Consent Decree with FMC upon finding RCRA hazardous waste violations. A number of the ponds at the FMC facility fall under this law and are required to be closed and capped under the RCRA Consent Decree. Phosphorous production at FMC ended in December of 2001. In 2003, EPA issued a new Administrative Order on Consent (AOC) to FMC for a Supplemental Remedial Investigation/Feasibility Study to investigate former operating portions of the FMC facility not covered under the ROD. A proposal for selecting remedies for these portions of the facility is anticipated in 2008. EPA will be seeking your input on the final remedy proposal in 2008.

What's happening with the areas outside the reservation? A small portion of the FMC facility is located outside of the Fort Hall Indian Reservation Boundary. The Calciner pond areas on this portion of the facility are being closed and capped under a separate legal agreement with the State of Idaho's Department of Environmental Quality (IDEQ).

For those ongoing operations at the Simplot Don Plant (located wholly outside the boundaries of the Fort Hall Indian Reservation), the Idaho Department of Environmental Quality has responsibility for hazardous waste, air and certain other environmental programs.

In 2002, EPA and Simplot entered into a Superfund Consent Decree which requires Simplot to perform the cleanup actions required by the ROD for the Simplot facility. Under EPA oversight, Simplot is conducting remedial actions defined in this agreement.

In summary, the Superfund Act is a site cleanup law. However, many additional environmental laws, both federal and state, apply concurrently and separately at this Superfund site. Generally, Superfund cleanups are required to meet the requirements of all other environmental laws. Several legal instruments, including

Key Legal/Negotiated Agreements between EPA and EMF Responsible Parties

- 1991** - Superfund Administrative Order on Consent requiring Remedial Investigation/Feasibility Studies (RI/FS)
- 1998** - Superfund Record of Decision for all 3 operable units of the Site
- 1998** - RCRA Consent Decree with FMC for Hazardous/Regulated Waste Activities
- 2002** - Superfund Consent Decree with Simplot for remedial actions at Don Plant Unit
- 2003** - Superfund Administrative Order on Consent with FMC for Supplemental Remedial Investigation/Feasibility Study of FMC facilities
- 2005** - Supplemental Remedial Investigation Update Memorandum for FMC Unit (includes all Site data that either was not available during the Remedial Investigation/Feasibility Study or may have been excluded because the facility was still operating)
- 2006** - Supplemental Work Plans anticipated under Supplemental Remedial Investigation Update Memorandum above

permits and settlement agreements under these laws, cover various environmental media and define required courses of action by the companies.

Additional environmental work for the Simplot and Off Plant Units has been completed or is the subject of negotiations with the Idaho Department of Environmental Quality. For more information, the Pocatello IDEQ office can be contacted at 208-236-6160.

For additional information regarding EPA activities at the Eastern Michaud Flats Superfund site go to: <http://yosemite.epa.gov/R10/CLEANUP.NSF/sites/emichaud>, or contact **Sue Skinner**, the Community Involvement Coordinator for Eastern Michaud Flats located in Pocatello at skinner.susan@epa.gov. Her phone number is **208-478-1680**.

EPA's Trust Responsibility to Tribes

EPA has a "trust" responsibility to Indian Tribes that derives from the historical relationship between the Federal Government and Indian Tribes as expressed in certain treaties, Federal Indian Law, and by Executive Order. This trust responsibility requires EPA to engage in meaningful and timely two-way communication with tribal officials in developing EPA actions. EPA is committed to considering Tribal concerns in decision making, and respect for Tribal self-government and sovereignty. For additional information on Indian Country Policy go to <http://www.epa.gov/indian/policyintivs.htm>

EPA entered into a Memorandum of Understanding (MOU) for Consultation with the Shoshone-Bannock Tribes in October 2003. This MOU sets forth a framework and process to foster open and timely communication, regular information sharing, and a process for consultation. If you would like a copy of the MOU or learn more about it, please contact either **Sue Skinner** at **208-478-1680** or **Mark Masarik** at **208-378-5761**. They can also be reached by email at skinner.susan@epa.gov or masarik.mark@epa.gov.

Community Based Corner

For those of you who may not know, EPA has an office located in Pocatello. Your Community Based Environmental Protection Specialist is Sue Skinner. Her office is co-located with the Idaho Department of Environmental Quality offices at 444 Hospital Way, Building 300, off of East Center Street. EPA Region 10 is committed to community based approaches in solving environmental problems in Southeast Idaho. Not only is environmental education and outreach part of the solution, collaboration with local partners and technical assistance is key to resolving some of the environmental challenges facing the Pocatello area. From time to time, the Southeast Idaho Update will include some examples of success stories and updates on environmental issues facing the communities of Southeast Idaho. Sue can be reached at **208-478-1680** or through email at skinner.susan@epa.gov.



United States
Environmental Protection Agency
Region 10

Pre-Sorted Standard
Postage and Fees Paid
U.S. EPA
Permit No. G-35
Seattle, WA

Southeast Idaho Update
Pocatello and Ft. Hall, Idaho
May 2006

EPA Regional Administrator and Son of Pocatello, Michael Bogert, Visits Hometown



The Regional Administrator for EPA Region 10 is Idaho's own Michael Bogert. Not only is Michael from Idaho, he is also from Pocatello and graduated from Pocatello High School. During a recent visit to Pocatello, Michael met with students at Pocatello High, and Idaho State University. Michael is responsible for environmental

issues under the jurisdiction of the EPA for Idaho, Alaska, Oregon and Washington. Although the Regional Office for EPA is in Seattle, Michael plans to focus on many issues in Idaho and has been spending as much time as possible there. It has been over 15 years since a Region 10 Administrator has been from Idaho.



*Please contact Sue Skinner if you need information in an alternative format.
TTY users, please call the Federal Relay Service at 800-877-8339.*